

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LIONEL SHELL,

Petitioner,

No. C 11-02515 JSW

v.

GREG LEWIS, Warden,

ORDER TO SHOW CAUSE

Respondent.

On May 24, 2011, Petitioner Lionel Shell ("Shell"), a state prisoner, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

BACKGROUND

Shell was convicted of first-degree murder, of attempted murder, and of shooting from a motor vehicle as well as special circumstances, and was sentenced to a term of life without possibility of parole with a consecutive term of 42 years to life. Shell currently is in the custody of Respondent Greg Lewis, Warden of Pelican Bay State Prison, in Crescent City, California.

LEGAL CLAIMS

Shell seeks habeas relief on the basis that his rights under the Due Process Clause of the 14th Amendment to the United States Constitution were violated because the trial court denied his motion to disclose the identity of a confidential informant, gave improper jury instructions and the prosecutor misstated the law on the burden of proof. Liberally construed, the claim appears potentially colorable under 28 U.S.C. § 2254 and merit an answer from Respondents.

CONCLUSION

For the foregoing reasons and for good cause shown:

1. The Clerk shall serve by certified mail a copy of this Order and the petition, and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California.
2. Respondent shall file with the Court and serve on Shell, within 60 days of the date of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Shell a copy of all portions of the administrative record that are relevant to a determination of the issues presented by the petition.
3. If Shell wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of his receipt of the answer.

IT IS SO ORDERED.

Dated: June 17, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE